

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1019 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.2-2005,
4 SECTION 125, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person who knowingly or
6 intentionally touches another person in a rude, insolent, or angry
7 manner commits battery, a Class B misdemeanor. However, the offense
8 is:
9 (1) a Class A misdemeanor if:
10 (A) it results in bodily injury to any other person;
11 (B) it is committed against a law enforcement officer or
12 against a person summoned and directed by the officer while
13 the officer is engaged in the execution of his official duty;
14 (C) it is committed against an employee of a penal facility or
15 a juvenile detention facility (as defined in IC 31-9-2-71) while
16 the employee is engaged in the execution of the employee's
17 official duty;
18 (D) it is committed against a firefighter (as defined in
19 IC 9-18-34-1) while the firefighter is engaged in the execution
20 of the firefighter's official duty; or
21 (E) it is committed against a community policing volunteer:
22 (i) while the volunteer is performing the duties described in
23 IC 35-41-1-4.7; or
24 (ii) because the person is a community policing volunteer;
25 (2) a Class D felony if it results in bodily injury to:
26 (A) a law enforcement officer or a person summoned and
27 directed by a law enforcement officer while the officer is
28 engaged in the execution of his official duty;
29 (B) a person less than fourteen (14) years of age and is
30 committed by a person at least eighteen (18) years of age;
31 (C) a person of any age who is mentally or physically disabled

- 1 and is committed by a person having the care of the mentally
 2 or physically disabled person, whether the care is assumed
 3 voluntarily or because of a legal obligation;
 4 (D) the other person and the person who commits the battery
 5 was previously convicted of a battery in which the victim was
 6 the other person;
 7 (E) an endangered adult (as defined in IC 12-10-3-2);
 8 (F) an employee of the department of correction while the
 9 employee is engaged in the execution of the employee's
 10 official duty;
 11 (G) an employee of a school corporation while the employee
 12 is engaged in the execution of the employee's official duty;
 13 (H) a correctional professional while the correctional
 14 professional is engaged in the execution of the correctional
 15 professional's official duty;
 16 (I) a person who is a health care provider (as defined in
 17 IC 16-18-2-163) while the health care provider is engaged in
 18 the execution of the health care provider's official duty;
 19 (J) an employee of a penal facility or a juvenile detention
 20 facility (as defined in IC 31-9-2-71) while the employee is
 21 engaged in the execution of the employee's official duty;
 22 (K) a firefighter (as defined in IC 9-18-34-1) while the
 23 firefighter is engaged in the execution of the firefighter's
 24 official duty; ~~or~~
 25 (L) a community policing volunteer:
 26 (i) while the volunteer is performing the duties described in
 27 IC 35-41-1-4.7; or
 28 (ii) because the person is a community policing volunteer;
 29 **or**
 30 **(M) a family or household member (as defined in**
 31 **IC 35-41-1-10.6) if the person who committed the offense:**
 32 **(i) is at least eighteen (18) years of age; and**
 33 **(ii) committed the offense in the physical presence of a**
 34 **child less than sixteen (16) years of age, knowing that the**
 35 **child was present and might be able to see or hear the**
 36 **offense;**
 37 (3) a Class C felony if it results in serious bodily injury to any
 38 other person or if it is committed by means of a deadly weapon;
 39 (4) a Class B felony if it results in serious bodily injury to a
 40 person less than fourteen (14) years of age and is committed by a
 41 person at least eighteen (18) years of age;
 42 (5) a Class A felony if it results in the death of a person less than
 43 fourteen (14) years of age and is committed by a person at least
 44 eighteen (18) years of age;
 45 (6) a Class C felony if it results in serious bodily injury to an
 46 endangered adult (as defined in IC 12-10-3-2); ~~and~~
 47 (7) a Class B felony if it results in the death of an endangered

- 1 adult (as defined in IC 12-10-3-2); **and**
2 **(8) a Class C felony if it results in bodily injury to a pregnant**
3 **woman and the person knew the woman was pregnant.**
4 (b) For purposes of this section:
5 (1) "law enforcement officer" includes an alcoholic beverage
6 enforcement officer; and
7 (2) "correctional professional" means a:
8 (A) probation officer;
9 (B) parole officer;
10 (C) community corrections worker; or
11 (D) home detention officer."
12 Renumber all SECTIONS consecutively.
(Reference is to EHB 1019 as printed March 30, 2007.)

Senator LUBBERS